

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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GILBERTO GUZMAN,

Plaintiff,

v.

CAROLYN W. COLVIN, Commissioner of
Social Security,

Defendant.

Case No. 3:13-cv-0069-MMD-WGC
ORDER ACCEPTING REPORT AND
RECOMMENDATION

Before the Court is Magistrate Judge William G. Cobb's Report and Recommendation ("R&R") (dkt. no. 21), regarding Plaintiff Gilberto Guzman's Motion to Remand (dkt. no. 18) and Defendant Carolyn W. Colvin's Cross-Motion For Summary Judgment (dkt. no. 20). Judge Cobb entered the R&R on February 6, 2014. Objections to the R&R were due by February 23, 2014. No objections were filed.


This Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge's report and recommendation, then the court is required to "make a *de novo* determination of those portions of the [report and recommendation] to which objection is made." 28 U.S.C. § 636(b)(1). Where a party fails to object, however, the court is not required to conduct "any review at all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge's report and recommendation where no objections have been filed. *See United States v.*

1 *Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review
2 employed by the district court when reviewing a report and recommendation to which no
3 objections were made); *see also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D.
4 Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the view that
5 district courts are not required to review "any issue that is not the subject of an
6 objection"). Thus, if there is no objection to a magistrate judge's recommendation, then
7 the court may accept the recommendation without review. *See, e.g., Johnstone*, 263 F.
8 Supp. 2d at 1226 (accepting, without review, a magistrate judge's recommendation to
9 which no objection was filed).

10 Nevertheless, this Court finds it appropriate to engage in a *de novo* review in
11 order to determine whether to adopt the R&R. The R&R finds that the ALJ's decision to
12 uphold the denial of Plaintiff's disability claims was supported by substantial evidence on
13 the record. The R&R thus recommends that the Court deny Plaintiff's Motion to Remand
14 for a new hearing (dkt. no. 18) and grant Defendant's Cross-Motion for Summary
15 Judgment (dkt. no. 20). In reaching its conclusion, the R&R finds that the ALJ gave
16 specific, clear and convincing reasons for determining Plaintiff's subjective symptom
17 testimony was not entirely credible. Upon review of the R&R and the record in this case,
18 the Court determines that it is appropriate to adopt the R&R in full.

19 It is hereby ordered that the R&R (dkt. no. 21) is accepted and adopted. Plaintiff's
20 Motion to Remand (dkt. no. 18) is denied and Defendant's Cross-Motion For Summary
21 Judgment (dkt. no. 20) is granted. The decision of the ALJ is affirmed.

22 DATED THIS 10th day of July 2014.

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25 MIRANDA M. DU
26 UNITED STATES DISTRICT JUDGE
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